

## REMARKS

The following remarks are fully and completely responsive to the Office Action dated July 15, 2003. Claims 2, 5 and 7-10 are pending in this application. In the outstanding Office Action claims 2, 5 and 7-10 were rejected under 35 U.S.C. § 103(a). Claims 2, 5 and 7-10 are presented for reconsideration. No new matter is added.

### 35 U.S.C. § 103(a)

Claims 2, 5, and 7-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Takaya (JP 2,956,587) and Cupps (US Pat. No. 5,991,739). In making this rejection the Examiner asserts that the combination of these two references teaches and/or suggests the claimed invention. The Examiner also asserts that it would be obvious to a person of ordinary skill in the art to combine these two references. Applicants requested reconsideration of this rejection.

Claim 7 recites in part a retrieval data base storing data on service providing areas of registered shops.

Claim 9 recites a similar element.

Takaya discloses a system and method for performing a search/finding a store or restaurant. This system includes a server 10 that forms both a retrieval site and a map database site.

The retrieval site provides an Internet site for advertising a merchant's goods and/or services. The Internet site appears to be hosted on server 10 using control means 11, memory means 14 (main program), memory means 17 (customer file) and memory means 19 (index file). The customer file includes data on each customer (merchant).

The map data base site appears to be formed from memory means 15 (map file), memory means 16 (character file (icons)), and memory means 18 (map management file). The map file stores at least three levels of map image data.

The index file permits users to search for a merchant by name, industry (merchandise genre), or keyword. After the search is complete, the icons for the merchants that meet the search criteria and are located within a predetermined distance from a pre-entered or specified location are displayed on a map image as icons.

Since Takaya displays all the icons for merchants that need to search criteria and locate it within a predetermined distance from the specified location, Takaya fails to disclose and/or suggest a retrieval database storing data on service providing area of registered shops. If Takaya taught this element, then only the icons from merchants that met the search criteria and whose service area included the specified location would be displayed. Instead, Takaya displays icons from merchants that meets the search criteria and are located within a predetermined distance of the specified location.

The Examiner admits that Takaya fails to disclose and/or suggest displaying the service request data (menu) on the information terminal and after an entry requesting a service (food order) based on the service request data (menu), sending the requested service (food order) contents to the selected shop. The Examiner cites Cupps as curing this deficiency in Takaya.

While Cupps may correct the deficiency identified by the Office Action in Takaya, Cupps is not cited for not does Cupps teach and/or suggest a retrieval data base storing data on service providing areas of registered shops.

The combination of Takaya and Cupps fails to teach and/or suggest the claimed invention. Specifically, the combination of these two references fails to teach and/or suggest a retrieval data base storing service providing areas of registered shops. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 2, 5, and 7-10 under 35 U.S.C. § 103(a).

### **Conclusion**

Applicants remarks have overcome the rejection set forth in the Office Action dated July 15, 2003. Specifically, Applicants remarks have distinguished claims 2, 5, and 7-10 from the combination of Takaya and Cupps and thus overcome the rejection of these claims under 35 U.S.C. § 103(a). Accordingly, claims 2, 5, and 7-10 are in condition for allowance. Therefore, Applicants respectfully request consideration and allowance of claims 2, 5, and 7-10.

Applicants submit that the application is now in condition for allowance. If the Examiner believes that the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney by telephone, if it is believed that such contact will expedite the prosecution of the application.

In the event that this paper is not considered to be timely filed, Applicants respectfully petition for an appropriate extension of time. The Commissioner is authorized to charge payment for any additional fees, which may be required with respect to this paper or credit any overpayment to Deposit Account No. 01-2300, referencing attorney docket number **107156-00051**.

Respectfully submitted,



Rustan J. Hill  
Registration No. 34,794

Customer No. 004372  
ARENT FOX KINTNER PLOTKIN & KAHN, PLLC  
1050 Connecticut Avenue, N.W.,  
Suite 400  
Washington, D.C. 20036-5339  
Tel: (202) 857-6000  
Fax: (202) 638-4810

RJH/tdd